

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No.: 8:22-01121 ADS Date: January 5, 2023

Title: Weisberg v. Burke Masonry Servs. Inc., et al.

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Present: The Honorable Autumn D. Spaeth, United States Magistrate Judge

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Kristee Hopkins

Deputy Clerk

None Reported

Court Reporter / Recorder

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED FOR FAILURE TO  
PROSECUTE AND DENYING REQUEST FOR  
ADDITIONAL TIME TO FILE DISMISSAL (DKT. NO. 15)**

On October 5, 2022, the Court ordered that this case be stayed pending final settlement, based on Plaintiff's representations that the parties were nearing settlement. (Dkt. No. 14.) The Court gave the parties until January 3, 2023 to finalize the settlement and for Plaintiff to file a voluntary dismissal. (*Id.*) On January 3, 2023, Plaintiff filed a Request for Additional Time to File Dismissal, seeking an additional 30 days to finalize the settlement and file a voluntary dismissal. (Dkt. No. 15.) Plaintiff alleges that "[t]here has been a delay in Defendant performing the terms of the agreement" and the additional 30 days are needed "to ensure that the Parties are able to perform under the terms of the settlement agreement." (*Id.*)

The Court has reviewed the docket and observes that Defendant has not made an appearance in this case. Nor has Defendant made any filings in the case. The only proof that Defendant is involved in this case is proof of service that the Complaint was served on Defendant on June 13, 2022. (Dkt. No. 10.) There is no evidence that any other document in this matter was served on Defendant.

The Court denies Plaintiff's request for additional time. Plaintiff is hereby ordered to show cause why this case should not be dismissed for failure to prosecute. Plaintiff must file a Response to this Order within seven days, no later than January 12,

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2023. In responding to this Order, Plaintiff must file proof of service that Defendant received the Notice of Settlement, (Dkt. No. 11), and the Request for Additional Time to File Dismissal. (Dkt. No. 15.) Furthermore, Plaintiff may respond by: (1) filing a signed declaration attesting that they are engaged in settlement discussions with Defendant; (2) filing a Joint Notice of Settlement with Defendant; and/or (3) filing a notice of dismissal.

**IT IS SO ORDERED.**

Initials of Clerk kh